

425,00 001 A #2 a

**REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.60**  
**(Small Entity)**

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION	ART UNIT
P1113DIV	CLASS 623	SUBCLASS	08/681,230	3308

Address to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.60 of pending prior application, Serial Number 08/681,230 filed on July 22, 1996 and entitled:  
**Human Spinal Disc Prosthesis**

1. Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the attached papers are a true copy of the latest signed prior application, Serial Number 08/681,230, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	9	- 20 =	0	x \$11.00	\$0.00
Indep. Claims	4	- 3 =	1	x \$40.00	\$40.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$385.00
TOTAL FILING FEE					\$425.00

2. ☒ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27  
☐ is enclosed.  
☒ was filed in prior application Serial Number 08/681,230 and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 07-0181. A duplicate copy of this sheet is enclosed.
4. ☒ A check in the amount of \$425.00 is enclosed.
5. ☒ Cancel in this application original claims 1-22, 31-34, and 36-53 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. ☐ Amend the specification by inserting before the first line the sentence: "This application is a ☐ continuation ☐ division of application Serial Number \_\_\_\_\_ filed \_\_\_\_\_ which application is now:  
☐ abandoned.  
☐ pending.  
☐ other (explain):
7. ☐ Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application. (May only be used if signed by person authorized by 37 CFR 1.138 and before payment of issue fee.)

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8. ☒ New formal drawings are enclosed.
9. ☐ Priority of foreign application number \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_  
\_\_\_\_\_ is claimed under 35 U.S.C. 119.  
*Country*
- ☐ The certified copy has been filed in prior application Serial Number \_\_\_\_\_ filed on \_\_\_\_\_
10. ☒ A preliminary amendment is enclosed.
11. ☒ The prior application is assigned of record to:  
**Spinal Dynamics Corporation**  
**15400 S.E. 30th Place**  
**Suite 203**  
**Bellevue, WA 98007**
12. ☒ Also enclosed:  
**Express Mail Certificate; Return Postcard**
13. ☒ The power of attorney in the prior application is to:  
**Todd S. Parkhurst**  
**GARDNER, CARTON & DOUGLAS**  
**321 North Clark Street, Suite 3400**  
**Chicago, IL 60610**
- a. ☐ The power of attorney appears in the original papers in the prior application.
- b. ☒ Since the power of attorney does not appear in the original papers, a copy of the power of attorney in the prior application is enclosed.
- c. ☒ Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)  
**Todd S. Parkhurst**  
**GARDNER, CARTON & DOUGLAS**  
**321 North Clark Street, Suite 3400**  
**Chicago, IL 60610**

Dated:

*15 May 1997*

  
\_\_\_\_\_  
*Signature*

**Todd S. Parkhurst**

\_\_\_\_\_  
*Typed or printed name*

**26,494**

\_\_\_\_\_  
*Registration Number (if applicable)*

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under 37 C.F.R. 1.34(a)

cc:

**EXPRESS MAILING CERTIFICATE  
UNDER 37 CFR § 1.10**

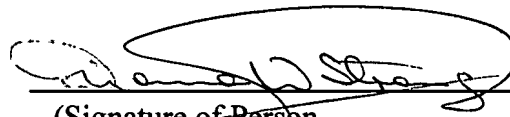


EM549228239US  
"Express Mail" Mailing Number

May 15, 1997  
Date of Deposit

I hereby certify that a Request for Filing a Patent Application under 37 CFR 1.60; a Preliminary Amendment; a copy of the signed Declaration and Power of Attorney for Docket No. P1113USA; a Specification (19 pages); Drawings (5 pages); a check for \$425.00; and a return post card are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above, addressed to the Assistant Commissioner for Patents; Box: Patent Application; Washington, D.C. 20231.

Diana W. Strong  
(Typed or Printed Name of  
Person Mailing Application)

  
(Signature of Person  
Mailing Application)

(P1113DIV)

65431 U.S. PTO  
08/856513  
05/15/97